

My name is William E. Stansbury and I am a competent adult residing in Palm Beach County, Florida. I am voluntarily writing this in the hope that any consideration to appoint a Guardian ad Litem (GAL) for the children of Eliot and Candice Bernstein will be dismissed without merit.

Based on the information provided on the Florida GAL website, the Florida GAL Program is a partnership of community advocates and professional staff providing a powerful voice on behalf of Florida's abused and neglected children. GAL is central to fulfilling society's most fundamental obligation by making sure a qualified, compassionate adult will fight for and protect a child's basic human right to be safe, to be treated with dignity and respect, and to learn and grow in the safe embrace of a loving family.

As a father of 3 children and 5 grandchildren, I wholeheartedly support the mission and purpose of the GAL program when a **child's basic human right to be safe**, to be treated with dignity and respect, and to learn and grow in the safe embrace of a loving family is challenged.

The Florida GAL program is not intended to be used as a weapon to threaten, harass or extort parents. Sadly, however, I believe that may be what is occurring with Eliot and Candice Bernstein. I express this belief after having sat through numerous court hearings since 2012 and following the corresponding Palm Beach County, Florida cases that have involved the Estates of Simon and Shirley Bernstein and their respective testamentary instruments, including Case Nos. 50-2012-CP-004391-XXXX-SB (In re: Estate of Simon Bernstein), 50-2011-CP-000653-XXXX-SB (In re: Estate of Shirley Bernstein), 50-2015-CP-002717-XXXX-NB, 50-2015-CP-001162-XXXX-NB, 50-2014-CP-002815-XXXX-NB, and 50-2014-CP-003698-XXXX-NB.

I have personal knowledge of the following matters that have transpired in connection with certain of the above-referenced cases when Judge Colin was presiding:

- 1) Florida licensed attorneys Donald Tescher and Robert Spallina (T&S) drafted certain testamentary instruments for Simon and Shirley Bernstein. Through Eliot's investigative efforts, Spallina admits to the court and the police that, after Shirley's death, Spallina changed certain terms in her testamentary instruments and sent same through the U.S. mail to Florida licensed attorney Christine Yates. Ms. Yates was retained by Eliot to represent his family after his father's passing in 2012. In addition to drafting testamentary instruments for Simon and Shirley Bernstein and changing certain terms in Shirley's documents, T&S were also appointed and served as the initial personal representatives of Simon's estate and successor trustees of Simon's revocable trust. I believe that Eliot's investigative efforts were the primary reason that T&S's acts were discovered, and that same began Eliot's quest for the truth.
- 2) T&S paralegal, Kimberly Moran, pled guilty to forging signatures on certain probate documents in the Estate of Shirley Bernstein and to notarizing those documents. I believe that Eliot's efforts helped expose Ms. Moran's unethical conduct.
- 3) Attorney Spallina filed certain estate closing documents with the court in the Estate of Shirley Bernstein that were signed by Simon Bernstein, as the purported personal

representative of Shirley's estate, notwithstanding that Simon passed away several weeks before such documents were filed. I believe that Eliot's efforts were the primary reason that Spallina's conduct in connection with these court filings was exposed.

- 4) As evidenced by a court transcript from a hearing in one of the above-referenced cases, Judge Colin stated twice that he had heard enough to read several officers of the court their Miranda rights. However, Judge Colin did nothing to address the corresponding issues and allowed these very same officers the opportunity to continue to practice in his courtroom. To no avail, Eliot brought such circumstances to the attention of Judge Colin.
- 5) Attorney Spallina submitted a claim to Heritage Union Life Insurance Company through the U.S. mail for payment of an approximately \$1.7M death benefit on a policy owned by Simon Bernstein personally. The records from the insurance company list the Simon Bernstein Irrevocable Trust N.A. executed in 1995 (the "1995 ILIT") as the contingent beneficiary (the primary beneficiary was LaSalle National Bank). Spallina represented himself on the claim form submitted to the insurance company as the trustee of the 1995 ILIT. Subsequently, Spallina admitted that he had never seen the 1995 ILIT and no idea what its terms were. To make matters worse, Spallina and four out of five of Simon Bernstein's adult children (Eliot's brother (Ted), and Eliot's three sisters (Pam, Jill and Lisa)) were involved in a scheme that would get the money to those four children. Spallina engaged in such conduct notwithstanding his duty to advocate as personal representative of Simon's estate and successor trustee of his revocable trust for the proceeds to be paid to the estate and ultimately the revocable trust. Simon's revocable trust is the sole residuary beneficiary of his estate; Simon's grandchildren are the beneficiaries of Simon's revocable trust. Without a copy of the trust, Heritage Union refused to pay the claim. I believe that Eliot's efforts helped to expose Spallina's actions.
- 6) Eliot's brother, Ted Bernstein, filed a breach of contract lawsuit in Illinois against Heritage Union for not paying the above-referenced insurance claim (the "Illinois Litigation"). Ted filed the Illinois Litigation as the purported trustee of the 1995 ILIT – the very same trust under which Spallina had previously claimed to be the trustee. Ted Bernstein was aware of the actions of Spallina, yet went along with them until the scheme fell apart, and then Ted suddenly remembered that he (Ted) was the trustee of the 1995 ILIT. If Ted Bernstein prevails in the Illinois Litigation, he and his sisters will benefit from the \$1.7M unpaid insurance death benefit. Eliot has opposed this scheme that benefits his siblings (and possibly himself) to the exclusion of Simon's estate and his grandchildren, including Eliot's children and the other grandchildren of Simon. Florida licensed attorney Peter Feaman has brought to the attention of Brian O'Connell (successor PR of Simon's estate) and Alan Rose (Ted Bernstein's attorney) that there appears to be a conflict of interest where Ted is serving as successor trustee of Simon's revocable trust that would benefit from the insurance proceeds (trust beneficiaries are the grandchildren) vs. Ted representing himself as trustee of the never seen nor found 1995 ILIT that benefits Ted and his siblings. I find it extremely ironic and disingenuous that Ted Bernstein has requested the appointment of a GAL for Eliot's children while he simultaneously is trying to wrongfully divert funds from Eliot's children and Simon's

other grandchildren through his initiation and pursuit of the Illinois Litigation.

- 7) Ted Bernstein is the alleged successor trustee and successor personal representative of the revocable trust and estate of Shirley Bernstein. He represented to the court that the personal property of Shirley Bernstein in her condo was inventoried and moved to the residence of Simon Bernstein for safekeeping. Thus, the personal property in the condo is an asset of the estate of Simon Bernstein. Inventories of personal property from the condo show significant discrepancies. Eliot has insisted for a complete accounting of all personal property, as he is listed as a beneficiary of Simon's personal property (which would have included Shirley's personal property as her will left all of her personal property to Simon when she passed away, survived by Simon).
- 8) In 2014, T&S resigned as successor trustees of Simon's revocable trust. T&S appoint their friend, Ted Bernstein, as successor trustee of Simon's revocable trust. Ted was not listed as a trustee by his father in Simon's revocable trust.
Florida licensed attorney Brian O'Connell was appointed by Judge Colin as the successor PR for the estate of Simon Bernstein in 2014. He assumed this fiduciary responsibility from Florida licensed attorney Benjamin Brown who was appointed by Judge Colin as curator for the estate when T&S resigned. Mr. O'Connell read the 2012 restated revocable trust of Simon and brought to the attention of Judge Colin that it does not appear that Ted is qualified to be appointed as trustee based on the trust language. Since the fall of 2014, Eliot has been requesting O'Connell to call up a hearing to have the court determine if Ted is properly serving. As of the date of this instrument, I am not aware that O'Connell has taken any action.

I have personal knowledge of the following matters that have transpired in connection with certain of the above-referenced cases when Judge Phillips was presiding:

- 1) A status conference was scheduled for Simon Bernstein estate by Brian O'Connell, but Alan Rose chose to discuss the Shirley Bernstein estate and trust. Rose represented to the court that the Shirley trust was also scheduled for the conference. Peter Feaman and Eliot objected on the record, but to no avail. The Court ruled to have hearings in Shirley's estate and trust and not Simon's estate.
- 2) Attorney Peter Feaman advises the Court that Judge Colin did not follow proper procedure in steering the Bernstein cases to the North Branch post recusal. The Court tells Mr. Feaman that's what the 4th DCA is for, even though the Court knew or should have known that the recusal/transfer orders were on appeal at the Florida Supreme Court.
- 3) On December 15, 2015 I attended a hearing to determine the validity of the Simon and Shirley wills and revocable trusts. Eliot Bernstein advised the Court that he had an attorney for his children but this attorney requested from Alan Rose copies of all documents, to include his children's' trust documents to review prior to the trial. Apparently, Attorney Rose did not send her anything. The hearing was not stayed until the children had counsel, and the judge ordered the trial to proceed with the children not having counsel present.
- 4) At the hearing on December 15, 2015, Alan Rose called two witnesses to verify that the

documents were authentic. The first was Robert Spallina – the same Spallina who admitted to changing testamentary document language and mailing it to Eliot's family attorney, using a dead man (Simon) to close the estate of Shirley, and submitting a claim form to Heritage Union for Simon's life insurance when he knew he was not the trustee of the 1995 trust. As of this writing, I am not aware that anything has been done by the court to address the admissions of wrongdoing by Mr. Spallina. The second witness called to validate the documents was Ted Bernstein. He admitted that he had not seen an original of the documents. None of the witnesses to the documents, nor the notary were called to testify. Additionally, no original documents were provided at the trial, nor was any forensic handwriting expert called to testify, nor was any forensic expert retained by Ted to validate documents after Spallina admitted to changing the language in at least one testamentary document.

- 5) I attended a hearing on February 25, 2016 in Judge Phillips' courtroom. The purpose of the hearing was to determine if a Guardian ad Litem should be appointed for Eliot's minor children. Eliot called Alan Rose as a witness and when Eliot asked him about not providing information to the attorney he is trying to retain for his children, Alan Rose indicated that he wasn't giving her anything. Eliot requested additional time to call witnesses, but his request was denied by the Court, which seemed unusual to me in light of the seriousness of the hearing.

Here is what I have observed in the home of Eliot and Candice Bernstein:

- 1) Happy, bright, respectful children who aren't embarrassed to tell their parents they love them in front of other people.
- 2) Children who understand that when a guest enters their home that they get up and acknowledge them.
- 3) Children who are always grateful for the smallest courtesy extended to them.
- 4) Parents who tell their children how much they love them.
- 5) Parents who teach their children that virtues like honesty and integrity are more important than money.

Eliot and Candice have created a loving nurturing home for their children. They are outstanding role models as parents. For anyone to suggest that they have a conflict of interest with their children is absurd. They are a family unit and none of them view something that is good for one as bad for another.

Based on my observations, Eliot and Candice Bernstein are not the "bad guys" in these estate matters.

I believe they are being portrayed this way because they have exposed inappropriate actions by officers of the court – the very officers who have an affirmative duty to assure justice is done.

They are being portrayed this way because they refused to go along with Eliot's siblings in their scheme to capture Simon's life insurance proceeds.

They are being portrayed this way because they believe that Ted Bernstein has hijacked Shirley Bernstein's trust and made distributions that are very questionable.

They are being portrayed this way because they believe that, by having Ted Bernstein serving as trustee of Simon's trust, that the directives of Simon Bernstein in that document are not being honored.

They are being portrayed this way because those that are asking for them to lay down and quit searching for the truth know they never will.

It appears to me that the Florida GAL is being used as tool to try to punish Eliot and Candice for not keeping their mouth shut when they saw what was occurring.

My observation has led me to the conclusion that many people in these estate matters should have someone watching over them, but I am confident that it is not the children of Eliot and Candice Bernstein.

William E. Stansbury
2/29/2016